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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,407	02/06/2004	Simon Paul Davis	037256.53206US	2072
23911 7590 05/18/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER YUN, EUGENE	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/772,407	DAVIS, SIMON PAUL	
	Examiner	Art Unit	
	Eugene Yun	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Averbuch et al. (US 6,192,029).

Referring to Claim 1, Averbuch teaches a method of operating a base station system comprising at least one base station controller (BSC) 208 (fig. 2); the method comprising controlling receipt of data from a streaming source; wherein the data from the streaming source is stored in a buffer in the BSC (see col. 3, lines 57-63) when a mobile station (MS) 202 (fig. 2) is communicating via a first cell; and transmitted to the MS from the BSC buffer at a first data rate via the first cell (see col. 8, lines 31-37); wherein the BSC monitors the MS and on receipt of an indication that the MS has ceased communication via the first cell, the BSC prevents further streaming data from entering the BSC buffer (see col. 8, lines 48-59); wherein the BSC monitors for an indication that the MS has set up communication via a second cell; and on receipt of such an indication, instructs the streaming source to continue data transfer via the second cell (see col. 9, lines 3-13); wherein a BSC in the second cell instructs the streaming source to increase the rate of data transfer to the MS buffer via the second

cell until the MS buffer is substantially refilled; and thereafter to continue data transfer at the first data rate (see col. 9, lines 34-44).

Referring to Claim 4, Averbuch also teaches the increased data rate set between an original guaranteed bit rate and a peak rate (see col. 3, lines 47-56).

Referring to Claim 5, Averbuch also teaches the rate of data transfer increased by changing the guaranteed bit rate (see col. 3, lines 47-56).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Grech (GB 2364858).

Referring to Claim 7, Averbuch teaches A handover method in a general packet radio service (GPRS) system, the method comprising receiving data from a streaming source in a node, transmitting data to a mobile station (MS) at a first data rate via a first cell (see col. 8, lines 31-37); storing the data in a buffer in the MS; and running an application on the MS from the buffer (see col. 3, lines 57-63); on receipt of an indication that the MS has ceased communication via the first cell; instructing the SGSN to store data in its buffer (see col. 8, lines 48-59); monitoring for an indication that the MS has set up communication via a second cell; and continuing data transfer via the

second cell (see col. 9, lines 3-13); wherein the rate of data transfer from the SGSN to the MS buffer via the second cell is increased until the MS buffer is substantially refilled; and thereafter continuing data transfer at the first data rate (see col. 9, lines 34-44).

Averbuch does not teach the node as a serving GPRS support node. Grech teaches the node as a serving GPRS support node (SGSN) (see pg. 2, lines 10-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Grech to said device of Averbuch in order to better enhance handoff service for mobile users.

Referring to Claim 2, Averbuch does not teach the streaming data stored in a store in a service GPRS support node (SGSN) before being transmitted to the BSC buffer. Grech teaches the streaming data stored in a store in a service GPRS support node (SGSN) before being transmitted to the BSC buffer (see pg. 2, lines 10-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Grech to said device of Averbuch in order to better enhance handoff service for mobile users.

Referring to Claims 3 and 8, Grech also teaches the SGSN measuring a service interruption time and determines the required increased rate of data transfer and the period for which that data transfer rate shall be maintained therefrom (see pg. 3, lines 11-18).

Referring to Claims 6 and 12, Grech also teaches the streaming source as a real-audio streaming from the Internet, or video (see pg. 2, lines 29-30).

Referring to Claim 9, Averbuch also teaches the increased data rate set between an original guaranteed bit rate and a peak rate (see col. 3, lines 47-56).

Referring to Claim 10, Averbuch also teaches the rate of data transfer increased by changing the guaranteed bit rate (see col. 3, lines 47-56).

Referring to Claim 11, Grech also teaches data transfer from the SGSN to the MS controlled by a base station controller (see pg. 2, lines 10-19).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Eugene Yun
Examiner
Art Unit 2618

EY


MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER